

**TRANSLATION**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>VG4 03106PCT</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/FR2004/003078</b>	International filing date ( <i>day/month/year</i> ) <b>01.12.2004</b>	Priority date ( <i>day/month/year</i> ) <b>17.12.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>B29C70/02</b>		
Applicant <b>SAINT-GOBAIN VETROTEX FRANCE S.A.</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input checked="" type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-9 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 1-5 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- sheets \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. II

Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:  

☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).  
☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☒ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>4</u>	YES
		Claims <u>1-3, 5</u>	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-5</u>	NO
	Industrial applicability (IA)	Claims <u>1-5</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following document:		
	D1: EP 0 431 729 A (BROOKGEM LIMITED) 12 June 1991 (1991-06-12)		
2.	INDEPENDENT CLAIM 1		
2.1	<p>The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not comply with the criterion of novelty as defined by PCT Article 33(2).</p> <p>D1 describes (cf. claim 1) a method for producing a moulded part wherein the moulded part is obtained by moulding at least one composite sandwich including a foaming agent that reacts when moulding takes place.</p>		
2.2	D2 and D3 also describe the same method.		
3.	INDEPENDENT CLAIM 4		
3.1	<p>The present fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 4 does not involve an inventive step as defined by PCT Article 33(3).</p> <p>D1 does not explicitly describe a moulded or composite part that has undulations or surface irregularities of an amplitude less than 50µm and a density of around 30 to 1200 kg/m<sup>3</sup> but, in column 2, lines 34 to 35, it is stated that "a perfectly flat and smooth panel is manufactured".</p>		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>The subject matter of the claim is therefore novel (PCT Article 33(2)).</p> <p>The problem that the present invention is intended to solve can be considered to be that of preventing the formation of small recesses opposite each hole in the core (see page 1, lines 21 to 22).</p> <p>This problem is addressed and solved in D1 (cf. column 1, lines 32 to 39).</p> <p>3.2 Moreover, since the panel of D1 is produced using the method of claim 1, it can be assumed that the same result is achieved with respect to the undulations or surface irregularities. A density of around 30 to 1200 kg/m<sup>3</sup> is considered normal for a composite foam sandwich.</p> <p>4. INDEPENDENT CLAIM 5</p> <p>4.1 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 5 does not comply with the criterion of novelty as defined by PCT Article 33(2).</p> <p>D1 describes (cf. column 3, lines 3 to 26) a composite sandwich including at least one core provided, on at least one of its surfaces, with a composite coating including at least one reinforcing material, and including at least one foaming agent capable of reacting at the moulding temperature of the sandwich.</p> <p>5. DEPENDENT CLAIMS 2 and 3</p> <p>5.1 In the light of the documents and passages cited in the international search report, said claims contain no features which, when combined with the features of any one of the claims to which they refer, meet the PCT requirements of novelty and inventive step (PCT Article 33(2) and (3)).</p>

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**Box No. VIII**      **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1.      Although claims 4 and 5 have been drafted as separate independent claims, it appears that they have the same subject matter and that they differ only by virtue of a variation in the definition of the subject matter for which protection is sought or in the terms used to define the features thereof. Therefore, said claims are not concise and fail to meet the requirements of PCT Article 6.